

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

November 5, 2002

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, November 5 at 3:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Chohany, Carr, Kafes, Knudson, and White. Also present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER AND MINUTES

Chairman Kafes called the meeting to order.

Mr. Carr moved that the minutes of the last meeting, August 6, 2002, be approved as submitted. The motion carried viva voce.

PUBLIC HEARINGS

BZA #16-02 Request of Williamsburg Presbyterian Church for front and rear yard variances from Section 21-242 and a special exception from Section 21-896 of the Zoning Ordinance. The church is proposing to demolish the sanctuary and administrative/educational spaces for a larger sanctuary and support spaces. The church is requesting a five-foot variance from the front setback requirement of 25-feet to align the new sanctuary with the front of the adjacent fellowship hall which is located 20-feet from the front property line. A 20.3-foot variance is request from the 25-foot rear setback. The special exception request from Section 21-896 is to reduce the 15-foot side yard setback to allow the proposed addition to be constructed three feet from the side property line at its closest point to 9.5 feet at its furthest point along the east side of the building. The property is located at 215 Richmond Road, Williamsburg Tax Map Number 465-(0A)-00-042 & 045 and is zoned Downtown Residential District RDT. Approved.

Chairman Kafes introduced the case and invited the applicant to comment.

William A. Thompson, Jr., architect for the project, gave a brief overview of the proposed project planned to accommodate the growing church congregation. He

stated that there are currently three services on Sundays, one on Saturdays, and about 100 visitors attending each week. Members of the church have voted to remain in the City of Williamsburg, expanding their facilities to correspond to the needs as reported in a study the church had done that suggests a need for 450 seats in the sanctuary and 50 seats for the choir.

Discussion points:

- Congregation has not yet given formal approval for the plan, but has received three presentations.
- Is there adequate parking for the increase from 275 to 500 church members? There are more than 600 spaces available for Sunday services.
- Church is on a limited size lot, and a large portion of surrounding property is owned by the College of William and Mary. Discussion with the college regarding acquisition of land has been an ongoing process for many years, but with the College's shortage of parking space, they are reluctant to reduce what space they have.
- Plans call for construction to go down with a full basement rather than out, partially in an attempt to avoid losing the popular courtyard.
- Proposal appears to be an improvement. Although there is increased massing on the front elevation, it is broken up by the courtyard.
- Church members are currently looking at fund raising for the proposed project, and hope to be requesting bids during the summer of 2003.
- It will take approximately one and one-half months to demolish the existing sanctuary and 12-14 months for construction of the new facility.
- There is a transition committee working on plans for the period of time the church will be under renovation.
- Board member Carr offered a suggestion in response to his experience at his church. He suggested that windows be installed in the doors of all classrooms.

Chairman Kafes opened the public hearing.

Ruth Bower, chairman of the church project, said that the church has been working on the project since 1999 and they are committed to remain in the City. She stated that the church provides a service to the community as well as to college students, and noted that the students are welcomed to use the two organs in the church. She concluded her comments by saying that there is general excitement and positive reactions regarding this plan versus previous plans.

George Bower, member of the church congregation, stated that Mr. Thompson's comment about the interior of the building presenting a Colonial impression struck a familiar chord with him, and he noted that the new construction will be

consistent with this architecture. Mr. Bower also mentioned the longevity of many members of the church.

Dennis Sissel said that the church had the responsibility for the Stonehouse district church, which is now chartered, and that it is a Colonial church and will remain so. Some of the members of the Williamsburg congregation have moved out to the Stonehouse church, but membership here continues to grow.

Mrs. Knudson moved that the request for a variance be approved based on fulfillment of Zoning Ordinance Section 21-97(b)2. "No such variance shall be authorized by the board unless it finds:

- That the strict application of this chapter would produce undue hardship
- That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance."

Mrs. Knudson also moved that the special exception be approved based on fulfillment of Zoning Ordinance Section 21-97(f)2.:

- It is designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
- It does not unreasonably impair an adequate supply of light and air to adjacent property;
- It does not increase public danger from fire or otherwise unreasonably restrict public safety;
- It does not impair the established property values in surrounding areas.

Mr. Carr seconded the motion.

Further discussion:

- Variances are usually not granted due to "need" but more on the enhancement of a location, and are not easily granted by this Board.
- Impact of demolition and construction on the adjacent sorority house where four to six students currently live. How will students be protected from the disruption? Answer: Work will be done from 7:00 a.m. until 4:30 p.m., unless the contractor falls behind schedule. Also, demolition will take place during summer months when there will be no students at the house.

Mr. Kafes proposed a condition to the motion: That the church get together with the college to create written guidelines to protect the students, and that these guidelines be submitted to the City of Williamsburg building department as part of the approval process. Mrs. Murphy clarified that there is no appropriate City

ordinance except under the "Nuisance" section where general noise is addressed.

Mrs. Knudson declined the condition stating it would be unnecessary since the college and church currently have such a good relationship, and in addition, requiring such a condition would be overstepping the purview of this Board.

An unidentified member of the audience stated that the college restricts such work prior to 9:00 a.m. during the two weeks prior to exams.

Mrs. White said the work presents a safety concern and maybe a proffer by the applicant is in order. Mr. Carr reiterated the fact that the church is aware of the City's concerns and takes them seriously. He then called for the question.

The motion carried by roll call vote of 5-0.

Aye: Carr, Chohany, Kafes, Knudson, White
No: None
Absent: None

BZA #17-02: Request of Thomas and Betty Mainor for a special exception from Section 21-896 of the Zoning Ordinance to construct a 14'x 33'4" addition to the single-family dwelling 5.2 feet from the left side property line instead of ten feet as currently required by the Zoning Ordinance. The existing dwelling is located 4.7 feet from the left side property line. The property is located at 506 Newport Avenue, Williamsburg Tax Map Number 495-(14)-00-005 and is zoned Single Family Dwelling District RS-2. Approved.

Chairman Kafes introduced the case and invited the applicant to comment.

Thomas Mainor, owner; Nick O'Connell, contractor; and Greg Freidt, architect, were present to respond to any questions from the Board. It was noted that the owner will live in the house and that there is a long-time renter on the third floor, a 93-year woman. Mr. Freidt stated that the expansion was done with enhancement of the neighborhood in mind, and has been given Architectural Review Board approval.

Chairman Kafes opened the public hearing.

Susan Berg, 504 Newport Avenue, stated that she and her husband have lived at this address since 1988 and is glad the Mainors are moving to the neighborhood. She expressed her concern that the houses are too close together, and with this expansion light into their property will be decreased. She added that their yard is

wonderful and spacious. Extending the structure would create even more of a tunnel effect than is already present, and the light blockage would be increased.

Mr. Mainor responded that the proposal would not detract from the light any more than the existing trees. Mrs. Knudson confirmed that upon her visit to the Berg home, there was little light. Would this expansion make it any worse?

Mr. Carr noted that by right the Mainors could install a fence or possibly a screening of Leyland cypress, which would cut down on light penetration.

There being no additional comment the public hearing was closed.

Mr. Carr moved to grant the special exception based on fulfillment of Zoning Ordinance Section 21-97(f)2:

- It is designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
- It does not unreasonably impair an adequate supply of light and air to adjacent property;
- It does not increase public danger from fire or otherwise unreasonably restrict public safety;
- It does not impair the established property values in surrounding areas.

Mrs. White seconded the motion.

Board discussion points:

- The lot is deep and shallow – tough layout.
- Board is usually tough on new construction, but more lenient on existing. The proposal won't exacerbate the light concern.
- Original intent for addition is expansion of a very small dwelling. Owner needs a guest room and other improvements such as a larger kitchen. The proposal must stay within the footprint, thereby excluding the concept of house-hypen-house.

Mr. Carr called for the question.

The motion carried by roll call vote of 3-2.

Aye: Carr, Knudson, White
No: Chohany, Kafes
Absent: None

OLD BUSINESS

Board of Zoning Appeals Rules & Procedures

Mr. Kafes noted that Board members will receive a revised draft of the Rules and Procedures document for discussion at the next meeting. An acceptable draft will be forwarded to the City Attorney for review prior to adoption.

NEW BUSINESS – None

There being no further business before the Board the meeting adjourned at 4:33 p.m.

Respectfully submitted,

Judy Knudson, Secretary
Board of Zoning Appeals